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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,281	08/10/2001	Sergey Fedorovich Golovashchenko	200-1213	5317

28549 7590 03/03/2006

KEVIN G. MIERZWA
ARTZ & ARTZ, P.C.
28333 TELEGRAPH ROAD, SUITE 250
SOUTHFIELD, MI 48034

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/927 281

EXAMINER

ART UNIT

PAPER

060208

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Commissioner for Patents

1. The reply filed on 07 March 05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In the notice of non-compliance mailed 03 Feb 05, Examiner noted that it was not clear what claims were being argued. In response to this Appellant has amended the appeal brief, but has not solved the problem. For example, on page 8, Applicant has grouped claims 3,4,12 and 13 under their own subheading, which means that they stand or fall together. However, they cannot stand or fall together because there is two-way distinctness between the claims. For example, if claim 4 was found to be allowable due to it's elastic pad, claim 3 could not stand with claim 4 because claim 3 has no elastic pad. 37 CFR 41.37(c)(1)(vii) is quite clear that "any claim argued separately should be placed under a subheading identifying the claim by number". In this case, Appellant argues claim 4 separately, but did not place it under it's own subheading. Many of the other groups have this same problem.

If Appellant would like to avoid this problem in the future, the easiest solution is to not mention the dependent claims at all in the argument section, and they will automatically stand or fall with their parent claims.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached Mon-Thurs, 7:30AM-5PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KP

February 8, 2006

KENNETH E. PETERSON
PRIMARY EXAMINER